

water, sediment, or slurry impoundment which meets the requirements of § 77.216(a) shall adopt a program for carrying out the requirements of paragraphs (a) and (b) of this section. The program shall be submitted for approval to the District Manager. The program shall include as a minimum:

- (1) A schedule and procedures for examining the impoundment and impounding structure by a designated qualified person;
- (2) A schedule and procedures for monitoring any required or approved instrumentation by a designated qualified person;
- (3) Procedures for evaluating hazardous conditions;
- (4) Procedures for eliminating hazardous conditions;
- (5) Procedures for notifying the District Manager;
- (6) Procedures for evacuating coal miners from coal mine property which may be affected by the hazardous condition.
- (f) Before making any changes or modifications in the program approved in accordance with paragraph (e) of this section, the person owning, operating, or controlling the impoundment shall obtain approval of such changes or modifications from the District Manager.
- (g) The qualified person or persons referred to in paragraphs (a), (b)(4), (c), (e)(1), and (e)(2) of this section shall be trained to recognize specific signs of structural instability and other hazardous conditions by visual observation and, if applicable, to monitor instrumentation.

(Secs. 101, 508, Pub. L. 91-173, 83 Stat. 745, 803 (30 U.S.C. 811, 957))

[40 FR 41777, Sept. 9, 1975, as amended at 57 FR 7471, Mar. 2, 1992]

§ 77.216-4 Water, sediment or slurry impoundments and impounding structures; reporting requirements; certification.

(a) Except as provided in paragraph (b) of this section, every twelfth month following the date of the initial plan approval, the person owning, operating, or controlling a water, sediment, or slurry impoundment and impounding structure that has not been abandoned in accordance with an approved plan

shall submit to the District Manager a report containing the following information:

- (1) Changes in the geometry of the impounding structure for the reporting period.
- (2) Location and type of installed instruments and the maximum and minimum recorded readings of each instrument for the reporting period.
- (3) The minimum, maximum, and present depth and elevation of the impounded water, sediment, or slurry for the reporting period.
- (4) Storage capacity of the impounding structure.
- (5) The volume of the impounded water, sediment, or slurry at the end of the reporting period.
- (6) Any other change which may have affected the stability or operation of the impounding structure that has occurred during the reporting period.
- (7) A certification by a registered professional engineer that all construction, operation, and maintenance was in accordance with the approved plan.
- (b) A report is not required under this section when the operator provides the District Manager with a certification by a registered professional engineer that there have been no changes under paragraphs (a)(1) through (a)(6) of this section to the impoundment or impounding structure. However, a report containing the information set out in paragraph (a) of this section shall be submitted to the District Manager at least every 5 years.

[57 FR 7471, Mar. 2, 1992]

§ 77.216-5 Water, sediment or slurry impoundments and impounding structures; abandonment.

(a) Prior to abandonment of any water, sediment, or slurry impoundment and impounding structure which meets the requirements of 30 CFR 77.216(a), the person owning, operating, or controlling such an impoundment and impounding structure shall submit to and obtain approval from the District Manager, a plan for abandonment based on current, prudent engineering practices. This plan shall provide for major slope stability, include a schedule for the plan's implementation and, except as provided in paragraph (b) of